

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN CITIZENS, <i>et al.</i>	§	
	§	
<i>Plaintiffs,</i>	§	Case No. 3:21-cv-00259
V.	§	[Lead Case]
	§	
GREG ABBOTT, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	
	§	
TEXAS STATE CONFERENCE OF THE NAACP,	§	
	§	
<i>Plaintiff,</i>	§	Case No. 1:21-cv-01006
V.	§	[Consolidated Case]
	§	
GREG ABBOTT, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	
	§	

**PLAINTIFF TEXAS NAACP'S UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE SECOND AMENDED COMPLAINT**

On October 20, 2022, the Court granted in part and dismissed in part the State's motion to dismiss Texas NAACP's first amended complaint, permitting Texas NAACP until November 3 or two weeks to file a second amended complaint¹ that addressed the deficiencies identified in the

¹ On July 18, the Court ordered Texas NAACP to re-file its first amended complaint under seal following the approach of LULAC Plaintiffs, ECF No. 439. On July 22, Texas NAACP re-filed its first amended complaint on the public docket using pseudonyms to refer to the organization's members, ECF No. 461, and accompanied that document with a motion for leave to file sealed document, Exhibit A, which included the names of the members identified in ECF No. 461. In that motion for leave to file a sealed document, Texas NAACP inadvertently referred to the first amended complaint as the "second amended complaint" even though the filing at ECF No. 461 did not contain any substantive changes to the initial first amended complaint filed at ECF No. 321. To avoid confusion, here Texas NAACP clarifies that it will file its "second amended

Court's Order. ECF No. 620. Namely, the Court Order permitted Plaintiff to amend "with respect to Plaintiff's *Gingles* claims concerning (1) the Senate Districts in Tarrant and Dallas Counties, (2) the Senate Districts in Fort Bend County and Adjacent Districts, (3) the House Districts in Wise and Denton Counties, and (4) the House Districts in Brazoria County, and (4) the Congressional Districts in Harris and Fort Bend Counties, along with (5) all claims relating to House District 57." ECF No. 620 at 18.

Plaintiff's counsel has been working diligently to gather the data and analyses needed for the amendment, as described in detail in the accompanying declaration from Plaintiff's counsel. Ex. A, Decl. of Pooja Chaudhuri. Given the complexity of the statistical analyses under *Gingles* 2 and 3, Plaintiff's counsel requests additional time to retrieve, analyze, and incorporate the necessary data in the second amended complaint. Chaudhuri Decl. ¶¶ 3–4. Plaintiff's counsels' additional responsibilities leading up to early voting and Election Day in multiple states and involvement in the nationwide Election Protection Program that provides voting-related information to voters across the states have taken and continue to take up a significant amount of counsels' time as well. *Id.*

On October 31, counsel for Texas NAACP met and conferred with the State and explained the situation. *Id.* ¶ 8. Plaintiff's counsel requested one additional week, until November 10, to file the second amended complaint. *Id.* ¶ 9. In follow-up communication, the State agreed to the one-week extension and additionally offered that it would be willing to give Texas NAACP until November 18 to file a second amended complaint provided that Texas NAACP agree to an extension permitting the State to file an answer by December 5. *Id.* The State clarified that its

complaint" in response to the Court's Order, ECF No. 620, on the State's motion to dismiss Texas NAACP's first amended complaint, ECF No. 402.

answer due date would not be contingent on the date Texas NAACP filed its amended complaint and that even if Texas NAACP chose to file its amended complaint before November 18, the State's answer would still be due on December 5. Texas NAACP informed the State that it agreed to the State's proposal. *Id.* ¶ 10.

In light of the ongoing data analyses, counsels' attendant election-related obligations leading up to the upcoming general election, and the State's agreement to an extension up until November 18 in exchange for the State being permitted to answer by December 5, Texas NAACP requests that the Court permit it to file the second amended complaint by November 18, although Texas NAACP assures the Court that, in an effort to not delay further, it will endeavor to file the second amended complaint as soon as it is able. Texas NAACP thus requests the Court to grant its motion for extension to file a second amended complaint by Friday, November 18.

Date: November 1, 2022

Respectfully submitted,

s/ Lindsey B. Cohan
Lindsey B. Cohan
Texas Bar No. 24083903
DECHERT LLP
515 Congress Avenue, Suite 1400
Austin, TX 78701
(512) 394-3000
lindsey.cohan@dechert.com

Jon Greenbaum*
Ezra D. Rosenberg*
Pooja Chaudhuri*
Sofia Fernandez Gold*
Alexander S. Davis*
LAWYERS' COMMITTEE FOR
CIVIL RIGHTS UNDER LAW
1500 K Street, Suite 900
Washington, DC 20005
(202) 662-8600
jgreenbaum@lawyerscommittee.org
erosenberg@lawyerscommittee.org
pchaudhuri@lawyerscommittee.org
sfgold@lawyerscommittee.org
adavis@lawyerscommittee.org

Neil Steiner*
Nicholas Gersh*
Margaret Mortimer*
DECHERT LLP
1095 Avenue of the Americas
New York, NY 10036
(212) 698-3822
neil.steiner@dechert.com
nicholas.gersh@dechert.com
margaret.mortimer@dechert.com

Robert Notzon
Texas Bar No. 00797934
THE LAW OFFICE OF ROBERT
NOTZON
1502 West Avenue
Austin, Texas 78701
(512) 474-7563
robert@notzonlaw.com

Gary Bledsoe
Texas Bar No. 02476500
THE BLEDSOE LAW FIRM PLLC
6633 Highway 290 East #208
Austin, Texas 78723-1157
(512) 322-9992
gbledsobe@thebledsoelawfirm.com
Attorney only as to Texas NAACP's claims
related to Texas state senate and state house
plans

Anthony P. Ashton*
NAACP OFFICE OF THE GENERAL
COUNSEL
4805 Mount Hope Drive
Baltimore, MD 21215
(410) 580-577
aashton@naacpnet.org

Janette M. Louard
Anna Kathryn Barnes
NAACP OFFICE OF THE GENERAL
COUNSEL
4805 Mount Hope Drive
Baltimore, MD 21215
(410) 580-577
jlouard@naacpnet.org
abarnes@naacpnet.org
Attorneys appearing of counsel

*Admitted *pro hac vice*

*ATTORNEYS FOR THE TEXAS STATE
CONFERENCE OF NAACP*

CERTIFICATE OF CONFERENCE

On October 31, 2022, counsel for Texas NAACP conferred with counsel for Defendants concerning the relief sought in this Motion. As set forth in the Motion, Counsel for Defendants advised that they do not oppose this Motion.

/s/ Lindsey B. Cohan
Lindsey B. Cohan
Counsel for Plaintiff Texas NAACP

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing and all attachments were served on counsel of record via email on November 1, 2022.

/s/ Lindsey B. Cohan
Lindsey B. Cohan
Counsel for Plaintiff Texas NAACP